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FILED
U.S. BANKRUPTCY COURT
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S.D.N.Y.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
SEARS HOLDINGS CORPORATION, et al.,	:	Case No. 18-23538 (RDD)
	:	
Debtors.:	:	(Jointly Administered)
	:	
	:	JUDGE: Hon. Robert D. Drain
Brian Coke Ng	:	
Plaintiff	:	Supreme Court of the State of
v.	:	New York, New York County
Kmart Corporation, et. Al.,	:	Index No.: 100386/2018
Defendant(s)	:	
	:	Plaintif/Movant's Letter/Notice
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To: The Honorable Robert D. Drain, United States Bankruptcy Judge,

With respect to my motion for relief to lift the automatic stay (ECF No. 1006) and recent filing in further support (ECF No. 1721), I am respectfully writing and submitting this letter to this Bankruptcy Court, and to you Honorable Robert D. Drain, to confirm and advise that, I will not withdraw my motion, and do not intend to do so, for reason(s) as follows:

1. There are other causes presented to lift the automatic stay, in that, the debtors has come to this court with unclean hands.

The Clean Hands Doctrine

2. The clean hands doctrine is a matter of sound discretion for the court, and should never prevent a court from doing justice.

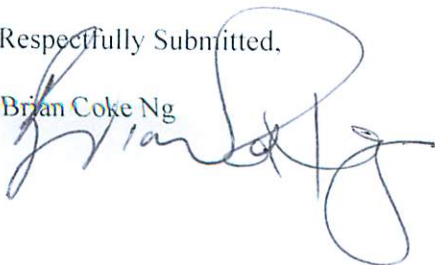
3. The three fundamental rationales that form the basis for the clean hands doctrine are Judicial Integrity, Justice, and the Public Interest.

- First, the clean hands doctrine protects Judicial Integrity. Allowing an unclean party/Litigant to recover or obtain the relief he/she seeking would not only abet him/she in his/her inequitable conduct, but would also raise doubts as to the just provided by the Judicial System. Thus, the court must close its door to the unclean party/litigant and refuse to interfere on his/her behalf, allowing the court to remain above inequity.
- Second, the clean hands doctrine promotes Justice. Courts use the doctrine to ensure a fair result. Where the party/litigant conduct is such that it would be unjust to allow him/her a remedy or relief, courts can use the doctrine as a bar to the remedy or to the relief. Therefore, withholding assistance from the unclean party/litigant allows courts to prevent a wrongdoer from enjoying the fruits of his/her transgression.
- Third, the clean hands doctrine promotes the Public Interest. Courts can use the doctrine where a suit or matter involves a public right or issue. The Supreme Court of the United States has stated that, in cases involving the public interest, the "doctrine assumes wider and more significant proportions." Thus, in suits or matters involving the public interest, a court may not only prevent a wrongdoer from benefitting from his/her transgression, but avoid injury to the public.

4. The clean hands doctrine has been around for a very long time. Here, the debtors had come to this court with unclean hands, as shown and demonstrated in my motion papers. Therefore, I will not withdraw my motion. The debtors can propose ways to peacefully resolve all matters and/or restart the parties settlement negotiation, and I will again welcome it, and seriously consider such effort by them.

Respectfully Submitted,

Brian Coke Ng

A handwritten signature in blue ink, appearing to read 'Brian Coke Ng', is written over the typed name. The signature is stylized with a large, looping 'B' and 'N'.

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Debtors.:	:	(Jointly Administered)
	:	
	:	JUDGE: Hon. Robert D. Drain
	:	
	:	
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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2019 a true and correct copy of the foregoing documents has been served upon the following parties listed on the annexed **Exhibit A** via email, and in the manner indicated thereon.

New York, New York

Dated: February 8, 2019

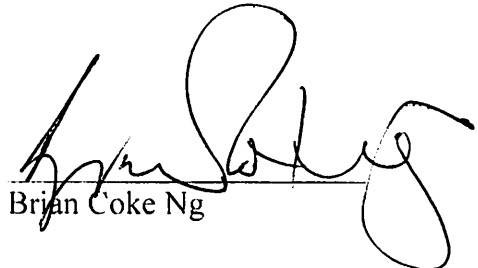

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EXHIBIT A

EXHIBIT A

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